IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP NO.1333 Of 2006.

Date of decision:March 14,2007.

Himachal Khadi Ashram Karamchari Sangathan, Shimla.

……. Petitioner.

Vs.

Presiding Judge, HP Industrial Tribunal-cum-Labour Court, Shimla and another.

……. Respondents.

Coram

The Hon'ble Mr.Justice Deepak Gupta, Judge.

The Hon'ble Mr.Justice Surinder Singh, Judge.

Whether approved for reporting? No.

For the petitioner: Mr.Vijay Verma, Advocate.

For the respondents: Mr.Shrawan Dogra, Advocate, for respondent No.2.

Deepak Gupta, J.(Oral).

This petition is directed against the order of the Presiding Officer, Labour Court, Shimla, whereby he has rejected the petition of the petitioner, on the ground that no evidence has been led by the petitioner and none was present on behalf of the petitioner on 25th July, 2006, when the impugned order was passed.

Alongwith the writ petition, the petitioner has filed Annexure P-6, which is an OPD ticket

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Whether reporters of local Papers may be allowed to see the judgment? Yes.

issued from the Indira Gandhi Medical College and Hospital, Shimla, which reveals that Narain Dutt, General Secretary of the petitioner Union who was pursuing the matter, was undergoing treatment for some heart ailment during this period. According to the petitioner, it was due to this reason that Shri Narain Dutt could not attend the proceedings before the Labour Court. It was also averred in the petition that the petitioner only wants to examine Narain Dutt, General Secretary of the Union, in support of its case and no other witness is to be examined.

Keeping in view the fact that Narain Dutt, General Secretary of the petitioner Union was unwell, we feel that the interest of justice will be served in case one more opportunity is granted to the petitioner to prove its case. The order of learned Presiding Officer, Labour Court is accordingly set-aside and the case is remanded back to the Labour Court, Shimla to decide the same on merits.

The parties are directed to appear before the Labour Court on **24th April, 2007**, on which date, the Labour Court shall fix the next date for evidence. In case the Presiding Officer, Labour Court is on tour or not available at Shimla on the said date, any member of his ministerial staff can fix the next date for evidence. On the date so

fixed, the petitioner shall examine Narain Dutt only, in support of its case. In case Narain Dutt fails to appear, no further opportunity shall be given to the petitioner to lead evident and the reference shall be answered on the material on record.

The petition is disposed of. No costs.

(Deepak Gupta)
Judge.

March 14, 2007.
(Pds)

(Surinder Singh)
Judge.